

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

Reginald Doggett,)	C.A. No.: 7:10-55-HFF
)	
Plaintiff,)	
)	
vs.)	ORDER OF DISMISSAL
)	WITHOUT PREJUDICE
Life Insurance Company of North)	
America,)	
)	
Defendant.)	

THIS MATTER COMES BEFORE THE COURT based upon representation by Plaintiff's attorney that the matter *sub judice* has been rendered moot. In the matter *sub judice*, Plaintiff filed his complaint on January 8, 2010. Plaintiff's counsel advised the court that the case has been served, but Defendant has not yet filed an answer to Plaintiff's complaint with this court. In the matter *sub judice*, Plaintiff asked the court to declare that he is entitled to long term disability benefits pursuant to ERISA 29 U.S.C.S. § 1132(a)(1)(B). Plaintiff's counsel has advised the court that the Defendant has approved Plaintiff's claim.

Plaintiff's counsel has advised the court that because Plaintiff has now been approved for the benefits which he sought that the matter has been rendered moot. Plaintiff has advised the court that there is no justiciable controversy, at this juncture, for the Plaintiff to pursue with this court. Therefore, for good cause shown, the court hereby dismisses the matter *sub judice* pursuant to Fed.R.Civ.P. 41 as being moot and without prejudice.

NOW, THEREFORE, it is ORDERED, ADJUDGED AND DECREED that the matter *sub judice* shall be dismissed pursuant to Fed.R.Civ.P. 41 as moot and without prejudice should additional issues arise at a later date which create a justiciable controversy.

AND, IT IS SO ORDERED.

s/Henry F. Floyd

The Honorable Henry F. Floyd
United States District Judge

Date: February 5, 2010

I SO MOVE:

s/ Robert E. Hoskins

Robert E. Hoskins, Esq.
Foster Law Firm, L.L.C.
Attorneys for Plaintiff